

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

LORI DAUGHERTY,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:08CV1967 CDP
)	
CENTRAL CREDIT SERVICES,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

Plaintiff Lori Daugherty alleges in her complaint that she was unlawfully harassed by defendant Central Credit Services when CCS telephoned her attempting to collect a debt. Daugherty asserts two counts against CCS, one for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692d, and one under state law for negligent infliction of emotional distress.


CCS has moved for summary judgment, arguing that it never contacted Daugherty and never attempted to collect a debt from her. Daugherty in turn alleges that she received numerous threatening and harassing calls from CCS between January 7, 2008 and March 17, 2008. Daugherty claims that she received no fewer than 28 telephone calls, each time her caller ID listing the calling party as CCS. Both parties have submitted affidavits and other evidence in support of their respective positions. The dispute of material fact is apparent on

its face. I cannot determine as a matter of law which version of events is true.

This is why we have trials. Given that there is a clear dispute of material fact as to whether CCS did what it is alleged to have done, summary judgment is inappropriate. Defendant's motion will therefore be denied.

Accordingly,

IT IS HEREBY ORDERED that defendant's motion [#22] for summary judgement is DENIED.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 23rd day of June, 2009.